

REMARKS

Upon entry of the present Amendment claims 1-5 and 7 remain in the application.

The Office Action has been reviewed and the rejections carefully considered. In view thereof, the present Amendment is submitted. It is contended that by the present Amendment all bases of rejection set forth in the Office Action are traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

The Applicant acknowledges that the Examiner has made of record the following prior art: Stutzman et al., Becht, Norris, Schafer, Gutierrez, Bürli, Daniels Wilfong, Jr., Bokina, and Alberts.

In an effort to present this Amendment with as much clarity as possible, the Applicant has listed the following remarks in a manner that corresponds with the enumerated list of rejections and/or objections presented by the Examiner in the Office Action.

1. The Examiner has objected to the drawings for failure to include the reference number “100” mentioned in paragraph [0030]. The Applicant has removed the reference number from paragraph [0030]. The number “100” referenced the invention in its entirety, rather than a distinct claimed element. Therefore, removal of “100” from the application does not place the drawings in noncompliance with 37 CFR 1.83(a). Additionally, reference number “100” was removed from paragraph [0030.3] as well.

2. The Examiner has objected to the drawings because they include reference number “16” which is not included in the specification. The Applicant has amended paragraph [0030.3] to include reference number “16” as distinctly pointing out the “plastic bags” on the drawings.

3. The Examiner has objected to the drawings under 37 CFR § 1.83(a) for failing to show the “lid” of claim 5 and the dispenser box disposed at an angle relative to the connection with the support member of claim 6. The Applicant has submitted a new set of drawings to address these objections. First, reference number “17” has been included on the amended Fig. 1 which points out the “lid” of claim 5. Second, paragraph [0030.3] has been amended to include reference “17.” Regarding claim 6, it has been cancelled and therefore the drawings no longer need show the “dispenser box at an angle relative to the connection with the support member.” Through the submission of the new drawings, and cancellation of claim 6, it is respectfully contended that the objections to the previous drawings have been traversed and overcome.

4. The Examiner has objected to claims 1 and 3-7 for a number of informalities. First, the Applicant has adopted the Examiner’s suggested phrase for claim 1 by removing “transverse tear line and engageable slot arrangement,” and replacing it with “transverse tear line arrangement including an engageable slot.” Second, the Applicant has replaced “opening” with “discharge opening.” Third, the Applicant has replaced “characterized” with “comprising” in claim 5, and replaced “characterized” with “wherein” in claims 3-4 and 7. Fourth, the Applicant has cancelled claim 6 and therefore no further modification of that claim is necessary.

5. The Examiner’s 5th statement is the first paragraph of 35 U.S.C. § 112. No action specific to this statement is required.

6. The Examiner has rejected claims 3, 4, and 6 for failing to comply with the written description requirement. Specifically, the Examiner states that claims 3, 4, and 6 contain subject matter which was not described in such a way as to reasonably convey to one skilled in the relevant art that the inventor possessed the claimed invention at the time of filing.

First, the Examiner has rejected claim 3, stating that the phrase, “the discharge opening of the dispenser box for extracting and detaching bags is found generally centered along said axis” is new matter and confusing. Therefore, the Applicant has removed this phrase from claim 3, thereby overcoming the rejection.

Second, the Examiner has rejected claim 4, stating that the phrase, “has an out[er] dimension and comprised of a material having sufficient mass, which dimensions and mass cooperate to prevent pulling forces . . . from tipping the support stand” is new matter and lacks antecedent basis. The Applicant has removed portions of this claim, and added language as well. The new claim 4 claims “A device for dispensing plastic bags from rolls, in accordance with claim 1, wherein: said central base plate has a heavier mass such that pulling forces placed on said free end of said roll are unable to create instability of said support stand and said dispenser box while detaching said bag from said roll.” The original specification teaches that instability issues may be solved by “incorporating a heavier base to avoid such movements.” See lines 4-6, page 7 of Original Specification filed August 5, 2003. Therefore, the Applicant contends that the Currently Amended claim 4 contains no new matter as the original specification taught the use of a base having sufficient mass to avoid instability. In addition, all antecedent basis issues are believed to have been resolved. As a result, the Applicant respectfully requests the Examiner withdrawn the rejection of claim 4.

Third, the Examiner has rejected claim 6, stating that the new limitations “forming a truncated end face, the truncated end face being connected to the base member of the dispenser box to angle the dispenser box relative to the connection with the support member” are new matter. The Applicant has cancelled claim 6. The Cancelled claim 6 described an alternative embodiment which did not include a ramp or a hook. However, claim 6 depended upon claim 1,

which included both a ramp and a hook. Therefore, in order to resolve these dependency issues, claim 6 has been cancelled.

7. The Examiner's 7th statement is the second paragraph of 35 U.S.C. § 112. No action specific to this statement is required.

8. The Examiner's 8th statement sets forth the basis of rejection for the remaining statements rather than providing a specific rejection itself. Therefore, no action specific to this statement is required.

9. The Examiner has rejected claim 1 for language indicating that the front wall extends upwardly from the base member. The Examiner has also rejected this claim requesting clarification as to the various "edges" within this claim. As to the "front wall," the Applicant has replaced "projecting upwardly from said base member" with "being angularly disposed with respect to said base." It is believed that the replacement language more clearly and accurately describes the invention as disclosed in the specification. As to the "edges" issue, the Examiner specifically states that the "second edge portion" can be interpreted to represent the top edge of the front wall. Therefore, the Applicant has replaced "second" with "bottom," believing that this alteration more clearly describes the specific edges within the claim. The Examiner states as well that "[s]tructure stating a bottom edge of the front wall is spaced from the base is required." Accordingly, claim 1 has been amended to state "said front wall includes a bottom edge portion, said front edge portion and said bottom edge portion being in juxtaposed spaced-apart relation with one another and forming a discharge opening that extends across the bottom of said front wall for dispensing bags...." The Applicant contends that by clarifying that the "second"-edge portion is now a "bottom" edge portion, claim 1 now clearly claims the invention as described in the specification.

10. The Examiner states that “the bottom edge” on lines 12-13 of claim 1 lack antecedent basis. Therefore, the Applicant has removed “edge,” believing that “the bottom edge of said front wall ~~box~~ for dispensing...” no longer lacks antecedent basis. In addition, the Applicant is now only describing an element of the front wall. As such, the Applicant believes that this basis of rejection has been traversed and overcome.

11. The Examiner states that “the free end” on line 22 of claim 1 lacks antecedent basis. The Applicant has accordingly added “said roll having a free end” to the preamble of claim 1. Therefore, it is believed that this sufficiently eliminates the antecedent basis problem.

12. The Examiner states that, in claim 1, “the free bag” on line 25 and “the outer bag” on line 26 lack antecedent basis. Additionally it is unclear if these two elements are the same structure. The Applicant has replaced “the free” with “a” on line 25, and removed “outer” from lines 26 and 27. The Applicant also has replaced “the” with “said,” and therefore the currently amended claim 1 first recites “a bag” on line 25, and then “said bag” on lines 26 and 27.

13. The Examiner states that, in claim 2, “discharge openings” on line 5 and “two hooks” on line 11 lack antecedent basis. The Applicant has replaced “discharge openings” with “discharge opening,” and “two hooks” with “said distinct compartment comprising said hook.” It is believed that the antecedent basis problems have been overcome, and reference has now been clearly made to the “discharge opening” and “hook” of claim 1.

14. The Examiner states that “the discharge opening of the dispenser box for extracting and detaching the bags is found generally centered along said axis” is unclear. Problems pertaining to this language were stated in the Examiner’s statement 6, and therefore this issue has already been addressed in paragraph 6 above.

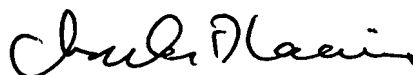
15. The Examiner states the phrase "said elongate support member includes opposite upper and lower portions respectively secured to the central base plate" of claim 6 is unclear. The Applicant has cancelled claim 6, and therefore bases of rejection based upon claim 6 need not be further addressed.

16. The Examiner states that "the axis" on line 7 of claim 6 lacks antecedent basis. As was stated above, the Applicant has cancelled claim 6, and therefore no further action regarding this claim is necessary.

It is respectfully submitted that by this amendment all bases of rejection and objection have been traversed and overcome. The claims have been amended in a manner to render them patentably distinct from the art of record. Thus it is submitted, that in the absence of pertinent art, that this amendment places the application in condition for allowance. A notice to this effect is, therefore, respectfully requested.

If the Examiner feels that the prosecution of this application can be expedited then the Examiner is courteously requested to place a telephone call to applicant's attorney at the number listed below.

Respectfully submitted,



Charles D. Lacina
Reg. No. 28094
THE WEINTRAUB GROUP, P.L.C.
32000 Northwestern Hwy, Suite 240
Farmington Hills, Michigan 48334
Telephone: (248) 865-9430
Facsimile: (248) 865-9436

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